

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11, 29-38 and 55-58 are pending. Claims 1, 6, 29, 31, 35, 55 and 57 are independent. Claims 1, 5, 6, 11, 29, 31, 34, 35, 38, 55, 57 and 58 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed and specifically in page 20 and Figures 24A-25C. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claims 57 and 58 are hereby amended, thereby obviating the rejections under 35 U.S.C. §101.

### **III. REJECTIONS UNDER 35 U.S.C. 35 U.S.C. §102(b) and §103(a)**

Claims 1, 29-31 and 55-58 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,550,928 to Lu (hereinafter, merely "Lu").

Claims 2, 4, 5, and 32-34 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lu in view of U.S. Patent No. 7,266,771 to Tow (hereinafter, merely "Tow").

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lu in view of Tow and further in view of U.S. Patent No. 6,792,135 to Toyama (hereinafter, merely “Toyama”).

Claims 6-10 and 35-37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lu in view of Tow and further in view of U.S. Patent No. 7,373,209 to Tagawa (hereinafter, merely “Tagawa”).

Claims 11 and 38 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lu in view of Tow in view of Tagawa and further in view of WO 91/03912 to Stevens (hereinafter, merely “Stevens”).

#### IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...estimation device for estimating an audience state based on a comparison result of said movement amount and a predetermined reference level.” (Emphasis added)

As understood by Applicants, Lu relates to an apparatus and a method for identifying these members without requiring the members to actively participate in the identification process.

As understood by Applicants, Tow relates to a technique for representing video information visually such that a viewer may navigate through the video information easily.

Applicants submit that neither Lu nor Tow, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, neither of the references used as a basis for rejection describes or suggests estimation device for estimating an

audience state based on a comparison result of said movement amount and a predetermined reference level, as recited in claim 1.

Specifically, the Office Action (page 7) concedes that Lu does not teach comparing the movement amount and a predetermined level, but asserts that Tow teaches using a motion information template to estimate the audience state such as clapping, and refers to Tow, col. 10, line 46-col. 11, line 3.

However, Applicants submit that in Tow, the clapping motion template, similar to the radial motion template (two-dimensional array 405 in Fig.4), includes pairs of motion vectors directed towards each other, *i.e.*, motion information templates can be compared to a two-dimensional array of motion information or portions of the two-dimensional array of motion information (See, Tow, col. 10, lines 33-56). Thus, **in Tow the comparison is between a two-dimensional array including a plurality of motion vectors and a motion information template, NOT between the movement amount and a predetermined level**, as recited in claim 1.

In the present invention, as shown in Fig. 24A, the characteristic amount 301 showing the magnitude of movement is compared with reference level Lv1, and the states of "beating time with the hands" or "clapping" is estimated; similarly, as shown in Fig. 25A, the characteristic amount 302 showing periodicity of movement is compared with reference level Lv2, and the state of "clapping" is estimated (See, Specification, page 20, paragraphs [0120]-[0124]). Thus, **in the present invention, the estimation is based on the comparison between the movement amount and a predetermined reference level**. Nothing has been found in Tow that would teach estimation device for estimating an audience state based on a comparison result of said movement amount and a predetermined reference level, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 45, the independent claims 6, 29, 31, 35, 55 and 57 are also patentable.

## **V. DEPENDENT CLAIMS**

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

## **CONCLUSION**

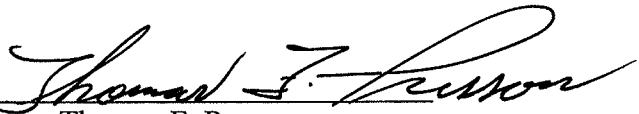
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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